



W.P.(MD)No.2283 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2283 of 2025

Dharvesh Muhaiyatheen

... Petitioner

Vs.

1. The Accountant General (A&E),
316, Anna Salai,
Thenampettai,
Chennai – 600 018.

2. The Treasury Officer,
District Treasury,
Collectorate Campus,
Madurai – 625 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st Respondent to grant family pension for the petitioner based on his application dated 28.06.2021.

For Petitioner : Mr.Romeo Roy Alfred

For R1 : Mr.P.Gunasekaran
Standing Counsel

For R2 : Mr.A.Baskaran
Additional Government Pleader



W.P.(MD)No.2283 of 2025

WEB COPY

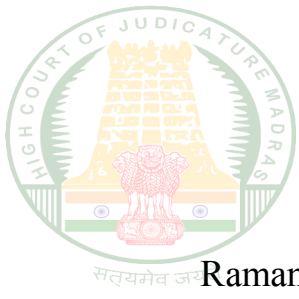
ORDER

Mr.P.Gunasekaran, learned Standing Counsel takes notice on behalf of R1. Mr.A.Baskaran, learned Additional Government Pleader takes notice on behalf of R2.

2. The instant writ petition has been filed seeking a mandamus to consider the representation of the petitioner for grant of family pension based upon their application dated 28.06.2021.

3. A perusal of the records reveal that the petitioner's father who was employed as an Assistant Treasury Officer has attained superannuation on 30.11.1995 and passed away on 19.06.2024. The petitioner's mother had also passed away on 16.07.2020. According to the petitioner, the petitioner is a disabled person having hearing impairment and unable to speak.

4. In such circumstances, the petitioner has given an application on 28.06.2021, seeking family pension. The petitioner has enclosed a medical certificate issued by the Government Headquarters Hospital,



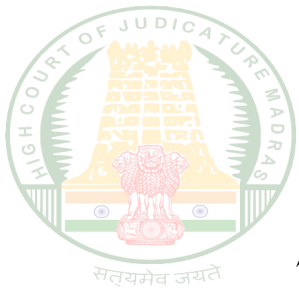
W.P.(MD)No.2283 of 2025

WEB COPY

Ramanathapuram dated 24.06.2021. However, the request of the petitioner was not considered. Hence the present writ petition.

5. The learned standing counsel appearing for the 1st respondent has brought to the notice of the Court that as early as on 28.12.2021, the 1st respondent has addressed a communication to the 2nd respondent to get a certificate from the Medical Board to the effect that whether the disability of the petitioner prevents him from earning his own livelihood.

6. Though the petitioner has subjected himself to medical examinations, the report points out that the petitioner is having only 57% hearing disability. However, there is no reference as to the fact whether the petitioner would not be in a position to earn his own livelihood. Therefore, even though such medical board report was forwarded by the 2nd respondent, the 1st respondent is not in a position to process the request of the writ petitioner.



W.P.(MD)No.2283 of 2025

WEB COPY

7. Considering the same, this Court is passing the following order.

(a) The petitioner is directed to reappear before the Medical Board and obtain a certificate as called for by the 1st respondent in their proceedings dated 28.12.2021 with a specific finding by the board that due to the disability, whether the petitioner is in a position to earn his own livelihood or not.

(b) The medical report along with other documents may be submitted to the 2nd respondent and the 2nd respondent shall forward the medical report to the 1st respondent for passing appropriate orders.

8. The writ petition stands disposed of with the above observations and directions. No costs.

28.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



W.P.(MD)No.2283 of 2025

WEB COPY To

1. The Accountant General (A&E),
316, Anna Salai,
Thenampettai,
Chennai – 600 018.
2. The Treasury Officer,
District Treasury,
Collectorate Campus,
Madurai – 625 020.



WEB COPY



W.P.(MD)No.2283 of 2025

R.VIJAYAKUMAR, J.

rgm

W.P.(MD)No.2283 of 2025

28.01.2025